

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

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NOEL VELASQUEZ and CARLOS RIVERA,
individually and on behalf of all others similarly situated,

Plaintiffs,

v.

11 -CV-3892 (LDW)(AKT)
DIGITAL PAGE, INC., d/b/a FUSION WIRELESS;
CELLULAR CONSULTANTS INC., d/b/a FUSION
WIRELESS; CELLULAR CONSULTANTS OF
NASSAU, INC., d/b/a FUSION WIRELESS;
CELLULAR CONSULTANTS OF NASSAU ST I, d/b/a
FUSION WIRELESS; CELLULAR CONSULTANTS
OF FARMINGDALE, d/b/a FUSION WIRELESS;
BRANDON HAENEL and ROBERT PACHTMAN,

AFFIRMATION

11-CV-3892 (LDW)(AKT)

Defendants.

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SAUL ZABELL, an attorney duly admitted to practice law in the Courts of the State of New York and admitted in the United States District Court, Eastern District of New York, hereby affirms under penalty of perjury as follows:

1. I am a founding partner of the law firm of Zabell & Associates, P.C. my former firm of Zabell & Associates, LLP. (Z&A)
2. I write this affirmation in support of the motion of Plaintiffs Noel Velasquez and Carlos Rivera.
3. I was made aware that in December 2014, Plaintiffs resolved their wage and hour claims against the Defendants.

4. I have been practicing law for nineteen (19) years with a primary focus on litigation in the areas of labor and employment law. I am a member of the bars of the States of New York. I am also admitted to practice before the United States Supreme Court, the Second Circuit Court of Appeals, and the Eastern and Southern Districts of New York.

5. Since founding Z&A, I have represented both employers and employees in the full range of labor and employment related laws.

6. I currently bill at an hourly rate of \$450.00 per hour for my services.

7. Associates with my firm are billed out at the hourly rate of \$200 through \$350 per hour for their services depending upon their experience.

8. Z&A has obtained important favorable rulings in matters upon which I have worked in the Eastern and Southern District of New York as well as the Second Circuit Court of Appeals..

9. Z&A currently has 3 attorneys including 1 partner and 2 associates.

10. From my many years of experience practicing in the Federal Courts for the Eastern District of New York, I have become familiar with the customary range of rates charged by firms practicing in the field of employment law in the Eastern District.

11. In my own firm typical rates for hourly work in employment-related claims have been fairly stable since 2012.

12. In my many years of practice, I have had the opportunity to work with a variety of law firms as co-counsel and opposing counsel, including many of the more prominent ones, as well as the major New York City and national law firms specializing in employment law. I am familiar with the prevailing rates charged by these lawyers and the quality of their work.

13. I understand that in this case Plaintiffs' seek the following rates: \$425 -\$450 for partners, \$250-350 for associates, and \$125 for paralegals.

14. Based on my experience as a partner of a firm that is similar in size to Valli Kane & Vagnini LLP, I believe the rates they seek are reasonable for litigation of an employment discrimination case in the Eastern District of New York.

15. Moreover, I have known the three partners of Valli Kane & Vagnini LLP for approximately fifteen years as colleagues and adversaries.

16. I know Mr. Valli, Ms. Kane and Mr. Vagnini to be an able, experienced litigators with outstanding professional credentials, training and experience. It is my opinion that rates sought herein are more than reasonable in light of their experience, the complexity of the case, the length of the litigation and their success in obtaining a settlement. In my opinion, the level of skill and experience of Mr. Valli and his partners and associates is high, and justify the rates requested.

Dated: New York, New York
March 5, 2015



Saul Zabell